

1  
2  
3  
4 BILL NO. G-77-04- 07

5 GENERAL ORDINANCE NO. G-26-77

6 AN ORDINANCE amending General Ordin-  
7 ance No. G-97 by authorizing the  
8 vacation of a certain street.

9 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT  
10 WAYNE, INDIANA:

11 SECTION 1. Petition for the vacation of a certain  
12 street having been filed with the Fort Wayne City Plan Commission  
13 in accordance with Section 44, Chapter 174, of the Acts of the  
14 General Assembly of the State of Indiana, as amended by Section 3,  
15 Chapter 385, of the Acts of 1963 of the General Assembly of the  
16 State of Indiana (Burns Ind. Stat., 1974 Replacement, Sec. 53-744),  
17 the Thoroughfare Plan as set forth in General Ordinance No. G-97  
18 adopted by the Common Council of the City of Fort Wayne on November  
19 26, 1963, is amended by deleting the following street, to-wit:

- 20 1. That they are the owners of Lot #40 in  
21 Gardendale Addition to the City of Fort  
22 Wayne, Indiana which the aboved described  
23 real estate on the east.
- 24 2. That Decatur Road was moved from its former  
25 location and now adjoins the above real es-  
26 tate on the west leaving the area between the  
27 new location of Decatur Road and Lot #40 in  
28 Gardendale Addition to the City of Fort Wayne,  
29 Indiana as part of a street right-of-way  
30 which is no longer occupied and used for street  
31 purposed.
- 32 3. The City of Fort Wayne, Indiana has agreed  
33 through its Board of Public Works to sell the  
34 above described real estate and desire to  
obtain the vacation of said street so as to  
be able to convey a merchantable title to the  
undersigned.
4. That no other person, firm or corporation is  
interested in or affected by the request of  
the vacation.
5. That the maintenance of said street is not  
necessary or advantageous to the growth of the  
City of Fort Wayne, and that it would be to  
the best interest of the City and the citizens  
thereof to vacate the same.

35  
APPROVED AS TO FORM  
AND LEGALITY.

  
CITY ATTORNEY

0283

1

2

3

4 SECTION 2. After passage of this Ordinance, approval by

5 the Mayor and legal publication, a duly certified copy of this

6 Ordinance, of the recommendation of the Fort Wayne City Plan

7 Commission, and of the action of the Mayor, shall be transmitted

8 by the City Clerk to the Board of Public Works of the City of Fort

9 Wayne, Indiana.

10 SECTION 3. This Ordinance shall be in full force and

11 effect from and after its passage, approval by the Mayor and legal

12 publication thereof.

13

14

15 A handwritten signature in blue ink, reading "Vivian G. Schmidt".

16 Councilman

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

Read the first time in full and on motion by V. Schmidt, seconded by Dexter, and duly adopted, read the second time by title and referred to the Committee on Regulation (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the day of \_\_\_\_\_, 1976, at \_\_\_\_\_ o'clock P.M., E.S.T.

DATE: 4-12-77 Charles W. Westerman  
CITY CLERK

Read the third time in full and on motion by V. Schmidt, seconded by Stier, and duly adopted, placed on its passage.

PASSED (~~lost~~) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES	<u>8</u>	<u>0</u>		<u>1</u>	
BURNS	<u>X</u>				
HINGA	<u>X</u>				
HUNTER				<u>X</u>	
MOSES	<u>X</u>				
NUCKOLS	<u>X</u>				
SCHMIDT, D.	<u>X</u>				
SCHIMDT, V.	<u>X</u>				
STIER	<u>X</u>				
TALARICO	<u>X</u>				

DATE: 7-12-77 Charles W. Westerman  
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (~~ANNEXATION~~) (~~SPECIAL~~) (~~APPROPRIATION~~)

ORDINANCE (RESOLUTION) No. 2-26-77 on the 12th day of July, 1976.  
ATTEST: (SEAL)

Charles W. Westerman CITY CLERK John Nuckols PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of July, 1976, at the hour of 1:00 o'clock P. M., E.S.T.  
Charles W. Westerman  
CITY CLERK

Approved and signed by me this 13th day of July, 1976, at the hour of 2:30 o'clock P. M., E.S.T.  
Robert E. Armstrong  
MAYOR

Bill No. G-77-04-07

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance  
amending ~~General~~ Ordinance No. G-97 by authorizing the vacation of a certain street

have had said Ordinance under consideration and beg leave to report back to the Common  
Council that said Ordinance Do PASS.

VIVIAN G. SCHMIDT - CHAIRMAN

WINFIELD C. MOSES, JR. - VICE CHAIRMAN

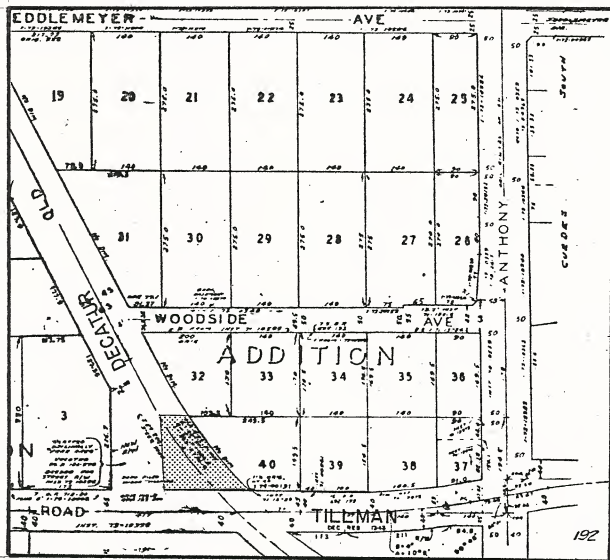
WILLIAM T. HINGA


DONALD SCHMIDT

SAMUEL J. TALARICO

*Vivian G. Schmidt*  
*Winfield C. Moses, Jr.*  
*William T. Hinga*  
*Donald Schmidt*  
*Samuel J. Talarico*

7-12-77 CONCURRED IN  
DATE \_\_\_\_\_ CHARLES W. WESTERMAN, CITY CLERK



 To be vacated

3-8-77

C-14

LS.

6-77-04-07

64-220-23  
5/16/71

R E S O L U T I O N

WHEREAS, LEO A KLIER AND NANCY M. KLIER, have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following public street, in Allen County, Indiana, to-wit:

Part of the former right-of-way of Decatur Road (formerly U. S. # 27) in the Southeast Quarter of Section 25, Township 30 North, Range 12 East, Allen County, Indiana, lying Westerly of and adjacent to Lot # 40 in Gardendale Addition to the City of Fort Wayne, and being more particularly described as follows, to-wit:

Beginning at the Northwest corner of said Lot # 40; thence N 90°-00' W (assumed bearing) on and along the Westerly projection of the North line of said Lot # 40, a distance of 48.1 feet to a point situated 1.0 feet East of an existing concrete sidewalk; thence S 10°-58' E, and parallel to said sidewalk, 101.0 feet to the point of curvature of a regular curve to the right having a radius of 256.2 feet; thence Southeasterly, on and along the arc of said curve and continuing 1.0 feet East of said Sidewalk, 51.1 feet (the chord of which bears S 05°-15' E for a length of 51.02 feet) to the Westerly projection of the North right-of-way line of Tillman Road as established by a dedication of right-of-way across said Lot # 40 as recorded at Document # 71-13783 in the Office of the Recorder of Allen County, Indiana; thence S 90°-00' E, on and along said Westerly projection of said North right-of-way line, being a line situated 40.0 feet (measured at right angles) North of and parallel to the centerline of Tillman Road, 153.0 feet to the Westerly line of said Lot # 40; thence Northwesterly, on and along said Westerly line, being also the Easterly right-of-way line of Decatur Road as defined by a regular curve to the right, having a radius of 1100.92 feet, an arc distance of 197.87 feet (the chord of which bears N 40°-39'-30" W, for a length of 197.6 feet) to the point of beginning, containing 0.326 acres of land.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Indiana Code Section 18-7-5-46, and,

WHEREAS, notice of such public hearing will be given by due and proper publications thereof;

WHEREAS, said vacation of street has been routed thru the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering Electrical Engineering, Park Board and thru the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said public street hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said public street hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said street or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

STATE OF INDIANA )  
                              ) SS:  
COUNTY OF ALLEN )

I, Henry P. Kehrenberg Chairman of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works following a Board of Works Meeting, held on May 16, 1977, and as the same appears of record in the office records of said Board of Public Works.

DATED THIS 16 DAY OF May, 1977

FORT WAYNE BOARD OF PUBLIC WORKS

Henry P. Kehrenberg  
Chairman

Edward H. LaMar  
Member

May J. Scott  
Member

## R E S O L U T I O N

WHEREAS, LEO A. KLIER and NANCY M. KLIER, have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following public right-of-way of Old Decatur Road, situated in Allen County, Indiana, to-wit:

Part of the former right-of-way of Decatur Road (formerly U.S. # 27) in the Southeast Quarter of Section 25, Township 30 North, Range 12 East, Allen County, Indiana, lying Westerly of and adjacent to Lot # 40 in Gardendale Addition to the City of Fort Wayne, and being more particularly described as follows, to-wit:

Beginning at the Northwest corner of Lot # 40; thence N 90°-00' W (assumed bearing) on and along the Westerly projection of the North line of said Lot # 40, a DISTANCE OF 48.1 feet to a point situated 1.0 feet East of an existing concrete sidewalk; thence S 10°-58' E, and parallel to said sidewalk, 101.0 feet to the point of curvature of a regular curve to the right having a radius of 256.2 feet; thence Southeasterly, on and along the arc of said curve and continuing 1.0 feet East of said Sidewalk, 51.1 feet (the chord of which bears S 05°-15' E for a length of 51.02 feet) to the Westerly projection of the North right-of-way line of Tillman Road as established by a dedication of right-of-way across said Lot # 40 as recorded at Document # 71-13783 in the Office of the Recorder of Allen County, Indiana; thence S 90°-00' E, on and along said Westerly projection of said North right-of-way line, being a line situated 40.0 feet (measured at right angles) North of and parallel to the centerline of Tillman Road, 153.0 feet to the Westerly line of said Lot # 40; thence Northwesterly, on and along said Westerly line, being also the Easterly right-of-way line of Decatur Road as defined by a regular curve to the right, having a radius of 1100.92 feet, an arc distance of 197.87 feet (the chord of which bears N 40°-39'-30" W, for a length of 197.6 feet) to the point of beginning, containing 0.326 acres of land

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947 of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Indiana Code, Section 18,7-5-46;

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on Monday, May 16, 1977, at 7:30 o'clock p.m., and at such hearing there were no objections of any kind or character which should prevent the vacation of said public right-of-way;

WHEREAS, said vacation of right-of-way has been routed thru the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board, and thru the Public Utility Companies.



NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said public right-of-way, hereinbefore described, conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said public right-of-way hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said right-of-way or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of right-of-ways in Allen County, Indiana.

STATE OF INDIANA )  
                              ) SS:  
COUNTY OF ALLEN )

I, Joseph N. Adair Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached hereto is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held on May 16, 1977, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 28th DAY OF June, 1977

FORT WAYNE CITY PLAN COMMISSION

*Joseph N. Adair*

\_\_\_\_\_  
Joseph N. Adair  
Secretary

PETITION TO VACATE PART OF FORMER DECATUR ROAD

TO: THE CITY PLAN COMMISSION, CITY OF FORT WAYNE, INDIANA  
THE BOARD OF WORKS, CITY OF FORT WAYNE, INDIANA

The undersigned petitioners do hereby respectfully petition the Fort Wayne City Plan Commission and the Board of Public Works to vacate that portion of Old Decatur Road within the City of Fort Wayne, Indiana adjoining Lot #40 in Gardendale Addition to the City of Fort Wayne, Indiana on the west described in the attached Certificate of Survey.

In support thereof, your petitioners would represent as follows:

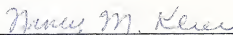
1. That they are the owners of Lot #40 in Gardendale Addition to the City of Fort Wayne, Indiana which the aboved described real estate on the east.
2. That Decatur Road was moved from its former location and now adjoins the above real estate on the west leaving the area between the new location of Decatur Road and Lot #40 in Gardendale Addition to the City of Fort Wayne, Indiana as part of a street right-of-way which is no longer occupied and used for street purposes.
3. The City of Fort Wayne, Indiana has agreed through its Board of Public Works to sell the above described real estate and desire to obtain the vacation of said street so as to be able to convey a merchantable title to the undersigned.
4. That no other person, firm or corporation is interested in or affected by the request of the vacation.
5. That the maintenance of said street is not necessary or advantageous to the growth of the City of Fort Wayne, and that it would be to the best interest of the City and the citizens thereof to vacate the same.

Your petitioners file this petition pursuant to the authority granted in Indiana Code Section 18-7-5-46 in order to vacate the vacation as above described.

WHEREFORE, your petitioners pray that the above described street be vacated according to the provisions of the Indiana Law pertaining thereto.

Dated this 11 day of February, 1977.

  
\_\_\_\_\_  
Leo A. Klier

  
\_\_\_\_\_  
Nancy M. Klier

Petitioners, Leo A. Klier and Nancy M. Klier, in support of the attached petition for zoning ordinance amendment would respectfully show the Council:

Since 1964, petitioners have owned Lot 40 Gardendale Addition, which is located at the Northeast corner of the present location of Old Decatur and Tillman Roads, as shown in the drawing attached hereto. Lot 40 is unimproved real estate and is located in a B-1-B District.

The City of Fort Wayne is re-designing the intersection of the two roads so that they will intersect at a 90° angle, and seeks to sell the shaded area as shown on the drawing attached. The appraised value of the area to be sold is \$14,000.00. Petitioners have offered that sum to the City for a conveyance, contingent upon rezoning of the tract to be I-B.

The real estate located West of the present West right-of-way line of Old Decatur Road is zoned R-A. It is uncertain whether or not streets adjacent to real estate carry the same zoning designation as the adjoining real estate or whether streets have any zoning designation whatsoever. Further, it would appear that a small triangular area in the Southwest corner of the shaded area is presently zoned R-A.

The purpose of this petition is elimination of any questions regarding the zoning of the real estate the City seeks to convey and petitioners seek to purchase.

DUNTEN, BECKMAN, WYNEKEN, LAWSON  
& FRUECHTENICHT

BY: 

2410 Fort Wayne Bank Building  
Fort Wayne, Indiana 46802  
423-1602  
Attorneys for Petitioners

# Z. K. TAZIAN ASSOCIATES, Inc.

PROFESSIONAL ENGINEERS & LAND SURVEYORS

Zohrab K. Tazian, PE & LS  
President

Jerry K. Walker, PE & LS  
Vice-President

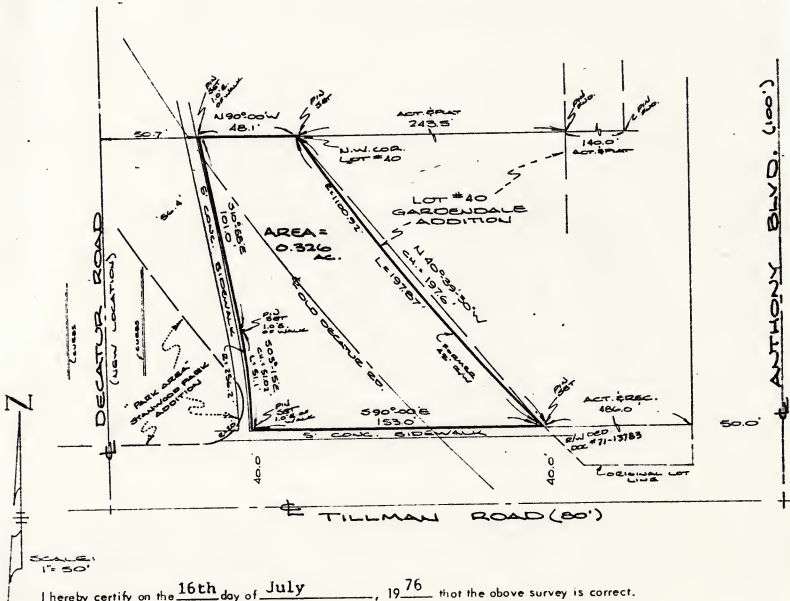
## Certificate of Survey

This document is a record of a resurvey of land and real estate prepared in conformity with established rules of surveying and made in accordance with the records or plot on file in the Recorder's office of Allen County, State of Indiana. The land described exists in full dimensions as shown hereon in feet. It is free from encroachments by adjoining land owners unless specifically shown below. Corners were perpetuated as indicated.

### DESCRIPTION OF REAL ESTATE

See Page 2 for Description.

This property is not in special flood hazard area as defined by the FIA Flood Hazard Boundary Map No. H-01-18, effective Jan. 30, 1976.



I hereby certify on the 16th day of July, 1976 that the above survey is correct.  
REVISED: 25 SEPT 76 - "PARK AREA" ADDED

Surveyed for: Klier  
Survey No.: CF-100

# Z. K. TAZIAN ASSOCIATES, Inc.

PROFESSIONAL ENGINEERS &amp; LAND SURVEYORS

Zohrab K. Tazian, PE & L.S.  
President

Jerry K. Walker, PE & L.S.  
Vice-President

## Certificate of Survey

This document is a record of a resurvey of land and real estate prepared in conformity with established rules of surveying and made in accordance with the records or plat on file in the Recorder's office of Allen County, State of Indiana. The land described exists in full dimensions as shown hereon in feet. It is free from encroachments by adjoining land owners unless specifically shown below. Corners were perpetuated as indicated.

### DESCRIPTION OF REAL ESTATE

Part of the former right-of-way of Decatur Road (formerly U. S. #27) in the Southeast Quarter of Section 25, Township 30 North, Range 12 East, Allen County, Indiana, lying Westerly of and adjacent to Lot #40 in Gardendale Addition to the City of Fort Wayne, and being more particularly described as follows, to wit:

Beginning at the Northwest corner of said Lot #40; thence N 90°-00' W (assumed bearing) on and along the Westerly projection of the North line of said Lot #40, a distance of 48.1 feet to a point situated 1.0 feet East of an existing concrete sidewalk; thence S 10°-58' E, and parallel to said sidewalk, 101.0 feet to the point of curvature of a regular curve to the right having a radius of 256.2 feet; thence Southeasterly, on and along the arc of said curve and continuing 1.0 feet East of said sidewalk, 51.1 feet (the chord of which bears S 05°-15' E for a length of 51.02 feet) to the Westerly projection of the North right-of-way line of Tillman Road as established by a dedication of right-of-way across said Lot #40 as recorded at Document #71-13783 in the Office of the Recorder of Allen County, Indiana; thence S 90°-00' E, on and along said Westerly projection of said North right-of-way line, being a line situated 40.0 feet (measured at right angles) North of and parallel to the centerline of Tillman Road, 153.0 feet to the Westerly line of said Lot #40; thence Northwesterly, on and along said Westerly line, being also the Easterly right-of-way line of Decatur Road as defined by a regular curve to the right, having a radius of 1100.92 feet, an arc distance of 197.87 feet (the chord of which bears N 40°-39'-30" W, for a length of 197.6 feet) to the point of beginning, containing 0.326 acres of land.

I hereby certify on the 16th day of July, 1976 that the above survey is correct.

Surveyed for: Klier

Survey No.: CF-100

DUNTEN, BECKMAN, LAWSON, FRUECHTENICHT & SNYDER

LAWYERS

FREDERICK A. BECKMAN  
JACK W. LAWSON  
THOMAS E. FRUECHTENICHT  
STEPHEN R. SNYDER

2410 FORT WAYNE BANK BUILDING  
FORT WAYNE, INDIANA 46802

LOUIE H. DUNTEN 1976  
TELEPHONE  
423-1602  
AREA CODE 219

June 23, 1977

Ms. Patsie Rumsey  
City Plan Commission  
City-County Building  
Fort Wayne, Indiana 46802

Re: Decatur Road Vacation

Dear Patsie:

I met with Charlie Leuenberger at General Telephone Company regarding the easement General needs along the Old Decatur Road property being purchased by Mr. and Mrs. Klier.

Charlie advised that an easement over the East 35 feet for underground utilities is necessary. This is satisfactory to our clients. By copy of this letter I am asking Charlie to confirm this by letter to you.

We suggest that rather than prepare a separate instrument to establish the easement, it would be easier to simply reserve the easement in the City's deed to Mr. and Mrs. Klier.

Very truly yours,

DUNTEN, BECKMAN, LAWSON,  
FRUECHTENICHT & SNYDER



Frederick A. Beckman

FAB/as

cc: Mr. and Mrs. Leo J. Klier  
cc: Charles E. Leuenberger  
cc: Larry J. Burke  
cc: Mrs. Ursula Miller



THE CITY OF FORT WAYNE

law department

September 22, 1976

City Plan Commission  
8th Floor  
City County Building  
Fort Wayne, Indiana 46802

ATTENTION: Gary Baeten

IN RE: City of Fort Wayne to Leo A. and Nancy M. Klier  
Real Estate Transaction

Ladies and Gentlemen:

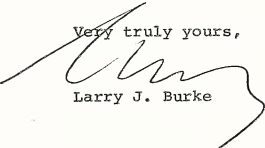
I enclose a copy of a proposition received from Mr. and Mrs. Leo Klier for the purchase of real estate. I also enclose a copy of the survey and legal discription of the real estate.

In order to move this transaction toward a completion, we need for the Plan Commission to undertake two things. First, the purchasers have filed a petition on September 19, 1975, to amend the zoning map to rezone the part of the real estate located west of the Old Decatur Road centerline from R-B to B-1-B to match the zoning for Lot 40 of Gardendale Addition. Mr. Beckman, attorney for Mr. and Mrs. Klier, reports to me that this petition has been held in ~~advance~~ *abeyance*; but I would like to have it moved along now.

Secondly, we should undertake procedures to vacate Old Decatur Road as it formally existed from the North right-of-way line of Tillman Road to the North line of Lot 40 Gardendale Addition except for that portion at the Northwest corner which overlaps the new right-of-way line of the relocated Old Decatur Road.

Please let me know if there are any problems in accomplishing these matters.

Very truly yours,

  
Larry J. Burke

LJB/cr

Enclosure



THE CITY OF FORT WAYNE

Board of Public Works

July 30, 1975

Mr. Fred A. Beckman  
2410 Fort Wayne National Bank Bldg.  
Fort Wayne, Indiana 46802

SUBJECT: Property Northeast Corner of Old Decatur Road/Tillman Road

Dear Mr. Beckman:

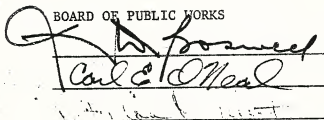
The Board has reviewed the proposal to purchase real estate from your client - Nancy M. Clier - dated January 1974 in the amount of \$14,000.

This Board is willing to accept this offer and ask that you issue confirmation of your client's continued willingness to purchase.

Assuming your client desires to proceed, we will order our attorneys to prepare the necessary legal documents.

Sincerely,

BOARD OF PUBLIC WORKS

  
\_\_\_\_\_  
Carl E. O'Neal  
\_\_\_\_\_  
City Engineer

/st

cc: City Engineer  
John Fleck



August 12, 1975

Board of Public Works  
City of Fort Wayne  
City-County Building  
Fort Wayne, Indiana 46802

Re: Property northeast corner of Old Decatur Road/Tillman Rd.

Gentlemen:

Your July 30 letter was received.

Our clients continue willing to purchase the property for \$14,000.00.

Please note that they will take title as Leo A. Klier and Nancy M. Klier, husband and wife.

Very truly yours,

DUNTEN, BECKMAN, WYNEKEN,  
LAWSON & FRUECHTENICHT

Frederick A. Beckman

FAB/gm

cc: Mr. and Mrs. Leo A. Klier

Number assigned by Bill Salin's office:

Admn. Appr. \_\_\_\_\_

# 3583

DIGEST SHEET

*D-77-04-07*

TITLE OF ORDINANCE \_\_\_\_\_ Street vacation ordinance

DEPARTMENT REQUESTING ORDINANCE \_\_\_\_\_ CITY PLAN COMMISSION

SYNOPSIS OF ORDINANCE \_\_\_\_\_ Petitioners are requesting the vacation  
of the portion of the following described street: \_\_\_\_\_ That portion of  
Old Decatur Road, adjoining Lot # 40 of Gardendale Addition.

(NOTE: See attached map and attached legal description)

EFFECT OF PASSAGE \_\_\_\_\_ If, vacated, that portion of street will be utilized  
by owners of Lot # 40 Gardendale Addition.

EFFECT OF NON-PASSAGE \_\_\_\_\_ Street would remain open.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) \_\_\_\_\_ none

ASSIGNED TO COMMITTEE (J.N.) \_\_\_\_\_

*Regulations*



## THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

room 122

charles w. westerman, clerk

July 14, 1977

Ms. Virginia Grace  
Fort Wayne Newspapers, Inc.  
600 West Main Street  
Fort Wayne, IN 46802

Dear Ms. Grace:

Please give the attached full coverage on the dates of July 18 and July 25, 1977, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council  
of Fort Wayne, IN

Bill No. G-77-04-07  
General Ordinance No. G-26-77

Bill No. Z-77-05-09  
Zoning Map Ordinance No. Z-14-77

Bill No. G-77-02-07  
General Ordinance No. G-25-77

Bill No. Z-77-05-12  
Zoning Map Ordinance No. Z-15-77

Please send us five (5) copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely,

Charles W. Westerman  
City Clerk

CWW/ne  
ENCL: 4

Common Council of Fort Wayne  
(Governmental Unit)

To THE NEWS-SENTINEL

Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

## PUBLISHER'S CLAIM

## LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) — number of equivalent lines

Notice is hereby given that on the 12th day of July, 1977, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following BILL NO. G-57-24-07 G-26-77 General Ordinance, to-wit:

BILL NO. G-57-24-07  
GENERAL ORDINANCE NO. G-26-77

AN ORDINANCE amending General Ordinance No. G-97 by authorizing the vacation of a certain street.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Petition for the vacation of a certain street having been filed with the Fort Wayne City Plan Commission in accordance with Section 44, Chapter 174 of the Acts of the General Assembly of the State of Indiana, as amended by Section 3, Chapter 235 of the Acts of 1963 or the General Assembly of the State of Indiana (Burns Ind. Stat., 1974 Replacement, Sec. 53744), the Thoroughfare Plan as set forth in General Ordinance No. G-97 adopted by the Common Council of the City of Fort Wayne on November 26, 1963, is amended by deleting the following street, to-wit:

1. That they are the owners of Lot 49 in Gardendale Addition to the City of Fort Wayne, Indiana, in which the above described real estate on the east.

2. That Decatur Road was moved from its former location and now adjoins the above real estate on the west leaving the area between the west location of Decatur Road and Lot 49 in Gardendale Addition to the City of Fort Wayne, Indiana as part of a street right-of-way which is no longer occupied and used for street purposes.

3. The City of Fort Wayne, Indiana has agreed through its Board of Public Works to sell the above described real estate and desire to obtain the vacation of said street so as to be able to convey a merchantable title to the undersigned.

4. That no other person, firm or corporation is interested in or affected by the request of the vacation.

5. That the maintenance of said street is not necessary or advantageous for growth of the City of Fort Wayne, and that it would be to the best interest of the City and the Citizens thereof to vacate the same.

SECTION 2. After passage of this Ordinance, approval by the Mayor and legal publication, a duly certified copy of this Ordinance of the recommendation of the Fort Wayne City Plan Commission, and of the action of the Mayor, shall be transmitted by the City Clerk to the Board of Public Works of the City of Fort Wayne, Indiana.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Witness G. S. Smith Councilman  
Read the third time in full and on motion by V. Schmidt, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

Ayes: Eight Burns, Hings, Moses, Nuckols, D. D. Schmidt, V. Schmidt, Stier, Talarico

Nays: None  
Absent: One Hunter  
Date: 7-12-77

Charles W. Westerman  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-57-24-07 on the 12th day of July, 1977.

ATTEST: (SEAL)  
Charles W. Westerman  
City Clerk

John Lukolski  
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of July, 1977, at the hour of 1:30 o'clock P.M., E.S.T.

Charles W. Westerman  
City Clerk

Approved and signed by me this 12th day of July, 1977, at the hour of 2:30 o'clock P.M., E.S.T.

Robert E. Armstrong  
Mayor

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a full, true and complete copy of General Ordinance No. G-26-77 passed by the Common Council on the 12th day of July, 1977, and that said Ordinance was duly signed and approved by the Mayor on the 12th day of July, 1977 and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 12th day of July, 1977.

Charles W. Westerman  
CITY CLERK

number of lines

number of lines

number of lines

Total number of lines in notice

## CHARGES

lines 1 columns wide equals 129 equivalent lines at .259 cents per line

total charge for notices containing rule or tabular work (50 per cent of above)

for extra proofs of publication (50 cents for each proof in excess of two)

TOTAL AMOUNT OF CLAIM

PRINTING COST

of single column 9.9 emsSize of type 5 1/2 pointof insertions 2Size of quad upon which type is cast 5 1/2

provision and penalties of Ch. 89, Acts 1967,

at the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just part of the same has been paid.

*V. E. Gerken*

5 19.77

Title \_\_\_\_\_ CLERK

## PUBLISHER'S AFFIDAVIT

State of Indiana  
Allen County } ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned V. E. GERKEN who, being duly sworn, says that she is CLERK of the

NEWS-SENTINEL

a DAILY newspaper of general circulation printed and published

in the English language in the city of FORT WAYNE, INDIANA

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time 8, the dates of publication being as follows:

7/18-25/77

Subscribed and sworn to before me this 25th day of July 1977

*V. E. Gerken*  
Notary Public

My commission expires September 28, 1979

Common Council of Fort Wayne  
(Governmental Unit)

To THE NEWS-SENTINEL Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

## PUBLISHER'S CLAIM

## LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) — number of equivalent lines

Head number of lines

Body number of lines

Tail number of lines

Total number of lines in notice

127

2

129

## COMPUTATION OF CHARGES

129 lines, 1 columns wide equals 129 equivalent lines at .259 cents per line

\$ 33.41

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two)

1.50

TOTAL AMOUNT OF CLAIM

\$ 34.91

## DATA FOR COMPUTING COST

Width of single column 9.9 ems

Size of type 5 1/2 point

Number of insertions 2

Size of quad upon which type is cast 5 1/2

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date July 25, 1977

Title Clerk

## PUBLISHER'S AFFIDAVIT

State of Indiana }  
Allen County }

Personally appeared before me, a notary public in and for said county and state, the undersigned V.E. GERKEN who, being duly sworn, says that she is CLERK of the

NEWS-SENTINEL

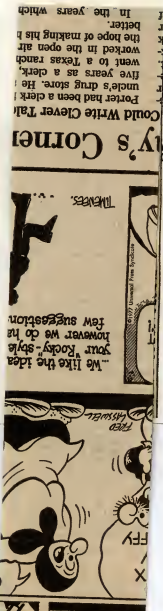
a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time(s), the dates of publication being as follows:

7/18-25/77

Subscribed and sworn to before me this 25th day of July 1977

Notary Public

My commission expires September 28, 1979



Common Council of Fort Wayne  
(Governmental Unit)

To JOURNAL-GAZETTE Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

## PUBLISHER'S CLAIM

## LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) — number of equivalent lines

Notice is hereby given that on the 12th day of July, 1977, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following BILL NO. G-77-94-07 G-26-77 General Ordinance, to-wit: BILL NO. G-77-94-07 GENERAL ORDINANCE NO. G-26-77

AN ORDINANCE amending General Ordinance No. G-97 by authorizing the vacation of a certain street.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Petition for the vacation of a certain street having been filed with the Fort Wayne City Plan Commission in accordance with Section 44, Chapter 174, of the Acts of the General Assembly of the State of Indiana, as amended by Section 3, Chapter 385, of the Acts of 1963 of the General Assembly of the State of Indiana (Burns Ind. Stat. 1974 Replenishment, Sec. 53744), the Thoroughfare Plan as set forth in General Ordinance No. G-97 adopted by the Common Council of the City of Fort Wayne, on November 26, 1963, is amended by deleting the following street, to-wit:

1. That they are the owners of Lot 40 in Gardendale Addition to the City of Fort Wayne, Indiana, and the above described real estate on the east.

2. That Decatur Road was moved from its former location and now adjoins the above real estate on the west leaving the area between the new location of Decatur Road and Lot 40 in Gardendale Addition to the City of Fort Wayne, Indiana as part of a street right-of-way which is no longer occupied and used for street purposes.

3. The City of Fort Wayne, Indiana has agreed through its Board of Public Works to sell the above described real estate and desire to obtain the vacation of said street so as to be able to convey a merchantable title to the undersigned.

4. That no other person, firm or corporation is interested in or affected by the request of the vacation.

5. That the maintenance of said street is not necessary or advantageous to the growth of the City of Fort Wayne, and that it would be to the best interest of the City and the Citizens thereof to vacate the same.

SECTION 2. After passage of this Ordinance, approval by the Mayor and legal publication, a duly certified copy of this Ordinance, of the recommendation of the Fort Wayne City Plan Commission, and of the action of the Mayor, shall be transmitted by the City Clerk to the Board of Public Works of the City of Fort Wayne, Indiana.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Vivian G. Schmidt  
Councilman  
Read the third time in full and on motion by V. Schmidt, seconded by Sher, and duly adopted, placed on its passage. PASSED by the following vote:

Ayes: Eight Burns, Hinga, Moses, Nuckols, Schmidt, V. Schmidt, Sher, Talarico

Nays: None  
Absent: One Hunter  
Date: 7-12-77

Charles W. Westerman  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-26-77 on the 12th day of July, 1977.

ATTEST: (SEAL)

Charles W. Westerman  
City Clerk  
Nuckols  
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of July, 1977, at the hour of 1:00 o'clock P.M., E.S.T.

Charles W. Westerman  
City Clerk

Approved and signed by me this 12th day of July, 1977, at the hour of 2:30 o'clock P.M., E.S.T.

Robert E. Armstrong  
Mayor

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a full, true and complete copy of General Ordinance No. G-26-77 passed by the Common Council on the 12th day of July, 1977, and that said Ordinance was duly signed and approved by the Mayor on the 12th day of July, 1977 and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 12th day of July, 1977.

Charles W. Westerman  
CITY CLERK

number of lines

number of lines

number of lines

Total number of lines in notice

## CHARGES

lines 1 columns wide equals 129 equivalent lines at .25¢ cents per line

charge for notices containing rule or tabular work (50 per cent of above)

for extra proofs of publication (50 cents for each proof in excess of two)

TOTAL AMOUNT OF CLAIM

## PRINTING COST

of single column 9.9 ems

of insertions 2

provision and penalties of Ch. 89, Acts 1967.

The foregoing account is just and correct, that the amount claimed is legally due, after allowing all just part of the same has been paid.

Arvilla DeWald

19 77 Title CLERK

## PUBLISHER'S AFFIDAVIT

State of Indiana  
Allen County } ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DEWALD who, being duly sworn, says that she is CLERK of the

JOURNAL-GAZETTE

a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time 8, the dates of publication being as follows:

7/18-25/77

Subscribed and sworn to before me this 25th day of July, 1977

My commission expires September 28, 1979



Common Council of Fort Wayne  
(Governmental Unit)

To JOURNAL-GAZETTE Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

## PUBLISHER'S CLAIM

## LINE COUNT

Display	Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) — number of equivalent lines	_____
Head	number of lines	_____
Body	number of lines	<u>127</u>
Tail	number of lines	<u>2</u>
	Total number of lines in notice	<u>129</u>

## COMPUTATION OF CHARGES

129 lines, 1 columns wide equals 129 equivalent lines at .259¢ cents per line \$ 33.41

Additional charge for notices containing rule or tabular work (50 per cent of above amount) \_\_\_\_\_

Charge for extra proofs of publication (50 cents for each proof in excess of two) 1.50

TOTAL AMOUNT OF CLAIM \$ 34.91

## DATA FOR COMPUTING COST

Width of single column 9.9 ems

Size of type 5½ point

Number of insertions 2

Size of quad upon which type is cast 5½

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date July 25, 1977

Arvilla Dewald  
Title CLERK

## PUBLISHER'S AFFIDAVIT

State of Indiana }  
Allen County } ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DEWALD who, being duly sworn, says that she is CLERK of the

JOURNAL-GAZETTE  
a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time S, the dates of publication being as follows:

7/18-25/77

Subscribed and sworn to before me this 25th day of July, 1977  
Harry V. Owens  
Notary Public

My commission expires September 28, 1979

THIS COPY OF  
AFFIDAVIT IS TO BE  
FILED HERE

